

REMARKS

Claims 89-91 are pending in the subject application. By prior Response, claims 80-82, 87 and 88 were withdrawn from consideration, and are canceled without disclaimer or prejudice. By this Response, claim 91 is amended to address a rejection raised by the Examiner in the Office Action of August 15, 2000. Care has been exercised to avoid the introduction of new matter.

The claim amendments of the instant response are based in part on claim amendments included in the Preliminary Amendment submitted via facsimile on August 1, 2000. Since the Examiner was informed of transmission of the subject facsimile, did not sign the now-pending Office Action until August 4, 2000, and the Office Action was subsequently issued on August 15, 2000, it is presumed that the subject Preliminary Amendment was considered by the Examiner in the formulation of the pending Office Action.

Claim Rejections

The Examiner has rejected claim 91 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has based this position on ground that the term "said image" is confusing.

Responsive thereto, claim 91 is amended by this Response to provide rephrasing of the claim that is believed to be clear in its meaning. Accordingly, it

is urged that the Examiner withdraw the rejection of claim 91.

The Examiner has rejected claims 89-91 under 35 U.S.C. §102 (f) as being clearly anticipated by Davis ('879) and Davis ('092).

This rejection is respectfully traversed on ground that the inventor of the present application is the same inventor as that for the cited patents, and that the instant patent application is a continuation-in-part of the earlier-issued patent, and a continuation of the later-issued patent. Accordingly, it is urged that the Rejection under 35 U.S.C. §102 is inappropriate, and should be withdrawn.

Claims 89-91 stand rejected under the judicially created doctrine of obviousness-double type patenting as being unpatentable over claims 1,2, and 16 of U.S. Patent No. 5,262,879. Claims 89-91 also stand rejected under the judicially created doctrine of obviousness-double type patenting as being unpatentable over claim 2 of U.S. Patent No. 5,822,092.

Responsive thereto, a Terminal Disclaimer is attached to the instant Response, along with the required check in the amount of \$55.00. The Terminal Disclaimer disclaims any term that extends beyond the term of the earlier-issued of the two cited patents for any patent that issues from the instant application. Accordingly, it is urged that the Rejection under the obviousness-double type doctrine of double patenting is overcome.

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CONCLUSION

Based upon the aforementioned comments, amendments and terminal disclaimer, it is urged that the remaining claims comply with the statutory requirements of the Patent Statutes, and distinguish over all the cited art of record. Accordingly, it is urged that the instant application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Should the Examiner have any comments, questions or suggestions, or should issues remain, the Examiner is respectfully requested to call the undersigned for prompt resolution.

Respectfully submitted,
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